

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 18-11824
Cesar H. Torres AKA Cesar H. Torres-	:	Chapter 13
Ayala	:	Judge Magdeline D. Coleman
	:	*****
Debtor(s)	:	*
	:	
PNC Bank, National Association	:	Date and Time of Hearing
	:	Place of Hearing
Movant,	:	January 5, 2021 at 10:30 a.m.
vs	:	
	:	
Cesar H. Torres AKA Cesar H. Torres-	:	U.S. Bankruptcy Court
Ayala	:	900 Market Street, Courtroom #2
	:	Philadelphia, PA, 19107
	:	
WILLIAM C. MILLER, Esq.	:	
Respondents.		

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT PNC BANK,
NATIONAL ASSOCIATION TO FORECLOSE ON 4345 N ORIANNA ST,
PHILADELPHIA, PA 19140-2408 WITH 30-DAY WAIVER**

PNC Bank, National Association (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.
4. Cesar H. Torres AKA Cesar H. Torres-Ayala ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on March 16, 2018 ("Petition").

5. Debtor is currently obligated to PNC Bank, National Association, under the terms of a certain Direct Installment Loan Note, dated January 19, 2016, in the original principal amount of \$24,196.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage (Closed-End), dated of even date and of even amount, currently in favor of PNC Bank, National Association, with respect to certain real property owned by the Debtor located at 4345 N Orianna St, Philadelphia, PA 19140-2408 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 53018790 on February 2, 2016 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. Debtor has failed to make post-petition mortgage payments for the past 32 months, as of November 20, 2020.

8. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

9. The total loan balance and the amount past due to PNC Bank, National Association in post-petition arrearages are \$25,695.86 and \$6,005.28, respectively, as of November 20, 2020.

10. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of PNC Bank, National Association in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, PNC Bank, National Association respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of PNC Bank, National Association in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just. Additionally,

Creditor requests the Fed.R.Bankr.P. 4001(a)(3) be waived so that the Order Terminating the Automatic Stay have immediate effect.

Respectfully submitted,

/s/ Sarah E. Barngrover

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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	:	900 Market Street, Courtroom #2
	:	Philadelphia, PA, 19107
	:	
WILLIAM C. MILLER, Esq.	:	
Respondents.		

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit PNC Bank, National Association to foreclose on 4345 N Orianna St, Philadelphia, PA 19140-2408 with 30-day waiver was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

WILLIAM C. MILLER, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105, ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Cesar H. Torres AKA Cesar H. Torres-Ayala, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on November 30____, 2020:

Cesar H. Torres AKA Cesar H. Torres-Ayala, 4345 N. Orianna Street, Philadelphia, PA 19140

Cesar H. Torres AKA Cesar H. Torres-Ayala, 4345 N Orianna St, Philadelphia, PA 19140-2408

DATE: November 30, 2020

/s/ Sarah E. Barngrover

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